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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/698,847 | 10/30/2003 | Gordon A. Dressler | P1550 | 9315 |

7590 05/04/2006
LaRiviere, Grubman & Payne, LLP
P.O. Box 3140
Monterey, CA 93942

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| EXAMINER |
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COLLINS, TIMOTHY D

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| ART UNIT | PAPER NUMBER |
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3643

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,847

Applicant(s)

DRESSLER, GORDON A.

Examiner

Timothy D. Collins

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 5-9, 13, 14, 16, 17 and 21-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10, 11, 15, 20 and 41 is/are rejected.
- 7) ☒ Claim(s) 12, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

While any delay in prosecution is regrettable, upon further review and consideration a new grounds of non-final rejection is made below. This is in response to applicant's conversations with the examiner as referred to in the remarks of the response.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 10, 11, 15, 20 and 41 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by USPN 3130945 to Seversky (hereinafter called 945).

a. Re claim 1, 945 discloses an ion thruster craft as seen in figures 1, 2 and 21 at least. The thruster is seen at numbers 12 and 14, which are the pair of electrical members with opposite polarity. The craft also having no onboard supply of reaction mass and accelerating ambient atmosphere ions.

b. Re claim 2, 945 discloses inherently that there is an electrical feed to a power source because the device is said to be connected to negative and positive terminals as seen in column 12 at lines 11-16.

c. Re claim 3, 945 discloses that the device takes in an intake mass flux and puts out an exhaust mass flux.

- d. Re claim 4, 945 discloses in figure 21 that two are mounted on opposite sides of the craft 208.
- e. Re claim 10, 945 discloses that there is a means for reversing the polarity of the pair of member as seen in column 12 at lines 11-16. Note that some of the ions will be reversed and produce at least some reverse thrust.
- f. Re claim 11, 945 discloses a free trajectory in that high altitude flight that is disclosed is considered by the examiner to be a free trajectory or orbit proximate to a body in that orbit is merely very high altitude flight.
- g. Re claim 15, see figures 1-3.
- h. Re claim 20, see figures.
- i. Re claim 41, see rejection of 1 above and also 10.

Claim Objections

- 3. Claim 42 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must be in the alternative form only. See MPEP § 608.01(n). Accordingly, the claim 42 has not been further treated on the merits. It is suggested that the applicant change the word "and" to "or". It is noted that

Allowable Subject Matter

- 4. Claims 12,18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1-4, 11-12, 15 and 18-20 have been considered but are moot in view of the new ground(s) of rejection as seen above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Collins whose telephone number is 571-272-6886. The examiner can normally be reached on M-F, 7:00-3:00, with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Timothy D. Collins 4/28/06

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Patent Examiner
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